

2006 EXCEL Conference Course Descriptions

Examining Conflicts in Employment Law

GENERAL SESSIONS

ADR Updates (Session 4H)

AJ/OFO Forum – Open Discussion (Session 8D)

In this forum, administrative judges and OFO appellate attorneys will be available to answer your questions about EEOC's hearing and appellate processes.

Analyzing Regarded as/Record of Disability Claims (Sessions 7C & 8C)

Analyzing whether one has a "record of" or is "regarded as" having a disability is always tricky. This workshop is designed to take the pain out of that analysis for EEO adjudicators by making this inquiry more accessible. Using recent EEOC and court decisions, this workshop will also provide practical advice for helping managers and supervisors avoid inadvertently regarding someone as an individual with a disability.

Basic, Basic (and we MEAN basic) Theories of Discrimination (Sessions 1B & 2B)

Complying with EEOC Orders (Session 1I)

Decision Without a Hearing (Sessions 3C & 4C)

Learn the appropriate standards for moving to for a decision without a hearing 29 C.F.R. Part 1614. What is the Administrative Judge looking for in a motion? Learn about 15-Day Notices issued by the EEOC on adjudicating this motion. What are the clues the Judge is sending out in his/her 15-Day notice?

Detecting Deception (Session 7I)

Dialogue with EEOC Commissioners (Session 3A)

Discovery Practice (Sessions 1G & 2G)

Examining the appropriate areas needed for discovery and learn the proper motions to file to obtain documents. Conduct examination of witnesses through discovery depositions and interrogatories.

EEO Managers' Forum (Session 7A)

EEO Cases Remedies: Back pay to Compensatory Damages (Session 4A)

What are the appropriate remedies, including back pay, front pay, compensatory damages and attorneys' fees? What evidence is necessary to support claims? Learn how to maximize your awards and minimize your liability.

EEO Case Study Part I (Journey Through the Federal Sector EEO Process) (Session 5C)

An engaging and interactive discussion of a fictional federal employee's complaint of discrimination. These two unique sessions will follow a fact pattern designed to illustrate the proper legal analysis of the most common bases and issues raised in the federal EEO complaints, with tips and explanations from two of EEOC's most seasoned experts.

EEO Case Study Part II (Journey Through the Federal Sector EEO Process) (Session 6C)

This is a follow-on session to Session 5C

EEO Potpourri -Mixed Bag of Novel EEO Issues (Session 6A)

Emerging Issues with Electronics & EEO (Sessions 7B & 8B)

Examination of Witnesses (Sessions 7E & 8E)

Learn to prepare your witnesses for an EEOC Hearing. Which witnesses are necessary? How do you move to strike an opponent's witness or entire witness list?

Effective Strategic Planning for EEO Professionals - Part I (Session 7G)

Effective Strategic Planning for EEO Professionals - Part II (Session 8G)

Emerging Issues: Gender and Employment (Session 1F)

Emerging Issues: Race and Employment (Session 2F)

Ethics for Attorneys (Session 2D) ends at 5:30 PM

Given the ubiquitous nature of the Internet in daily legal practice, lawyers cannot ignore the unique ethical issues raised by this technology. Confidentiality, email ethics, competency and zealous representation are only a few of the topics addressed in this two-hour seminar geared to helping attorneys cope with challenging ethical issues in a high tech world. (CLE credit)

Ethical Considerations in Mediation (Session 5J)

Ethical considerations during negotiation and mediation. (CLE credit)

Federal Sector Class Complaint Process (Session 3I)

This session includes plaintiff, agency and Commission perspectives on the various stages of Class Complaint process such as counseling and filing a class complaint, certification and litigation of class complaints, agency processing of class and related complaints, and settlement and appeals of class complaints.

Generational Diversity -Strategies for Managing the Multi-Generational Workforce (Sessions 5I & 6I)

Hot Issues: Procedural Dismissals (Session 7F & 8F)

Human Side of Leadership (Session 1D)

Intersectional Bases (Session 6H)

Investigating Allegations of Harassment (Session 7D)

Issues Regarding Medical Exams/Inquiries, Safety and Direct Threat (Session 2H)

This workshop, conducted by the head of EEOC's ADA team, will focus on pre- and post-employment disability related questions and medical examinations, safety to the individual and others in the workplace, and issues of "direct threat" and the individualized assessment that must be made regarding an individual's present ability to perform safely the functions of the job, considering a reasonable medical judgment relying on the most current medical knowledge and/or best available objective evidence.

Leading Practices: Contract Investigations (Session 1E and 2E)

MD-715: Leading Practices (Sessions 5B & 6B)

MD-715: Effective Barrier Analysis (Sessions 1A & 2A)

MD 715: Trend Analysis - Effective Use of Data (Sessions 3D & 4D)

Mock Hearing (Session 8I)

Under simulated conditions, the registered participants in the hearings preparation track will be given an opportunity to present different aspects of their case at a hearing before an EEOC Administrative Judge.

Motions Practice: Beyond Summary Judgment (Session Sessions 5D & 6D)

MSPB Hot Topics (Sessions 5F & 6F)

Overcoming Subtle Bias during Negotiation (Session 6J)

How does the negotiator's or mediator's unknown bias impact negotiations?

Practitioners' Forum: Mock Deposition (Session 9A)

Providing Practical Reasonable Accommodations (Sessions 5E 7 6E)

Q & A on ADA Updates (Session 4E)

Q & A on Federal Sector Case Updates (Session 5E)

Settlement Techniques (Session 5H & 6H)

Learn and discuss the leading practices in settling an EEO complaint from the point of view of the agency, complainant and administrative judge. Find out which settlement procedures are being used and what works in the various EEOC District Offices.

Skills Building for EEO Counselors Part I (Session 1C)

Skills Building for EEO Counselors Part II (Session 2C)

Skills Building for EEO Investigators Part I (Session 3B)

Skills Building for EEO Investigators Part II (Session 4B)

Strategies for Increasing Representation of Hispanics in the Federal Government
(Session 4G)

Strategies for Increasing Representation of Individuals with Targeted Disabilities
(Session 5G)

Sufficiency of Investigations (Session 5G & 6G)

This workshop includes a discussion about framing a claim.

Supervisors' Session: Managing Difficult Employees (Sessions 3F & 4F)

Testing Your Unconscious Biases (Session 5A)

Understanding and Dealing with Individuals with Psychiatric Disabilities (Session 1H)

Psychiatric disabilities present unique challenges to all in the workplace. This workshop, presented by a clinical psychiatrist, will focus major disorders and their characteristics, and will discuss how to work with mental health professionals, how to manage psychiatric disabilities at work, how to talk with individuals in crisis, how to deal with safety issues and more.

Understanding and Framing the Claim: Including Amendment and Consolidation of Issues
(Sessions 7H & 8H)

In this workshop, the participant will learn how to avoid fragmenting the claim; how to identify a discreet act and distinguish it from a hostile work environment, and will learn when new events are like or related to a pending claim. Additionally, the participant will get hands-on practice identifying claims in formal complaints.

Union Participation in Federal Sector EEO Process (Session 8A)

ADVANCED MEDIATION AND NEGOTIATION SKILLS TRAINING

Dealing with Conflict (Session 1J)

Understanding available conflict handling styles. Testing *your* individual style of conflict management. Do you rely on one style too much or too little?

Pre-Negotiation Preparation and Practices (Session 2J)

What is the most effective way to prepare for a negotiation? Practical tips for negotiating a better deal.

Why Can't all Cases Settle? (Session 3J)

Fundamental sense of fairness must be considered in negotiating! Economic theory vs. game theory during negotiations. Flawed processes or procedures?

Negotiation Styles and Tactics (Session 4J)

Should you adjust your negotiation style from negotiation to negotiation? What tactics work and do not work?

Ethical Considerations in Mediation (Session 5J)

Ethical considerations during negotiation and mediation. CLE credit.

Overcoming Subtle Bias During the Negotiation Process (Session 6J)

How does the negotiators or mediators unknown bias impact negotiations?

Interest-Based and Nontraditional Group Problem Solving (Session 7J)

Conflict is a group problem that can be solved best by members of the group.

Mock Negotiations (Session 8J)

Under simulated conditions, how good a negotiator are you? What basic assumptions did you make while negotiating?

Closing the Deal, Facilitated Open Discussion on Advanced Mediation Techniques that Work, *Sometimes*? (Session 9B)

Closing a successful or unsuccessful negotiation. Advanced practice tips for turning a failed negotiation into a successful negotiation.

HEARINGS PREPARATION SKILLS TRAINING

Hearing Preparation Breakfast Meeting

Meet the presenters and the Chief Administrative Judge presiding over the sessions. Obtain materials, and discuss preliminary preparations for the training course.

Discovery Practice (Session 1G)

Examining the appropriate areas needed for discovery and learn the proper motions to file to obtain documents. Conduct examination of witnesses through discovery depositions and interrogatories.

Hearings Prep I (Session 2I)

Obtain suggestions and leading practices from Administrative Judges on strategies in preparing and presenting a case at the EEOC.

Decision Without a Hearing (Session 3C)

Learn the appropriate standards for moving to dismiss a complaint under 29 C.F.R. Part 1614. What is the Administrative Judge looking for in a motion? Learn about 15-Day Notices issued by the EEOC on adjudicating a complaint without a hearing. What are the clues the Judge is sending out in his/her 15-Day notice?

Hearings Prep II (Session 4I)

Obtain suggestions and leading practices from Administrative Judges on strategies in preparing and presenting a case at the EEOC.

Settlement Techniques (Session 5H)

Learn and discuss the leading practices in settling an EEO complaint from the point of view of the agency, complainant and administrative judge. Find out which settlement procedures are being used and what works in the various EEOC District Offices.

Examination of Witnesses (Session 7E)

Learn to prepare your witnesses for an EEOC Hearing. Which witnesses are necessary? How do you move to strike an opponent's witness or entire witness list?

Mock Hearing (Session 8I)

Under simulated conditions, the registered participants in the hearings preparation track will be given an opportunity to present different aspects of their case at a hearing before an EEOC Administrative Judge.